

In The Matter Of:

*Haydn Zeis, Administrator of the Estate of Jordn Miller v.
Springfield Township, Ohio, et al.*

*Officer Joseph Holsopple
Vol. 2
March 17, 2017*

*Layne & Associates
6723 Cooperstone Drive
Dublin, Ohio 43017
(614) 309-1669
WhitneyLayne@att.net*



Layne & Associates
Reporters Without Borders

Original File 031717-Holsopple.txt

Min-U-Script® with Word Index

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

- - -

HAYDN ZEIS,
ADMINISTRATOR OF THE
ESTATE OF JORDN MILLER,

PLAINTIFF,

vs.

SPRINGFIELD TWP., OHIO,
ET AL.,

DEFENDANTS.

:
:
:
:
:
:
:
:
:
:
:

CASE NO. 5:16-CV-02331-JRA

- - -

CONTINUED DEPOSITION OF JOSEPH HOLSOPPLE

VOLUME 2

- - -

Friday, March 17, 2017

at 10:12 a.m.

- - -

Taken at: Springfield Township Police Department
2465 Canfield Road
Akron, Ohio 44312

- - -

REPORTED BY: CAROL A. KIRK, RPR/RMR/CSR

CONTINUED DEPOSITION OF JOSEPH HOLSOPPLE

APPEARANCES

- - -

On behalf of the Plaintiffs:

MICHAEL A. HILL, ESQUIRE
EADIE HILL TRIAL LAWYERS
3100 East 45th Street, Suite 218
Cleveland, Ohio 44127
216-777-8856
michael.hill@eadiehill.com

On behalf of the Defendants:

MEL L. LUTE, JR., ESQUIRE
BAKER DUBLIKAR BECK WILEY & MATHEWS
400 South Main Street
North Canton, Ohio 44720
330-499-6000
lute@bakerfirm.com

- - -

Friday Morning Session
March 17, 2017
10:12 a.m.

- - -

STIPULATIONS

It is stipulated by and between counsel for the respective parties that the deposition of JOSEPH HOLSOPPLE, a Defendant herein, called by the Plaintiff under the applicable Federal Rules of Civil Procedure, may be taken at this time in stenotype by the Notary, pursuant to notice; that said deposition may thereafter be transcribed by the Notary out of the presence of the witness; that proof of the official character and qualification of the Notary is waived; that the witness may sign the transcript of his deposition before a Notary other than the Notary taking his deposition; said deposition to have the same force and effect as though signed before the Notary taking it.

- - -

Officer Joseph Holsopple - Vol. 2 - March 17, 2017

61

1 A. Since the incident or ever?

2 Q. Since the incident?

3 A. Not that I remember.

4 Q. How about with Amanda? It just sounds like
5 maybe somebody -- you might have, but you don't really
6 remember?

7 A. Correct.

8 Q. How about with any of Jordn's other family
9 members?

10 A. I don't even know of any other of Jordn's
11 family members. I mean, Miller is a pretty common name,
12 so ...

13 Q. Once Jordn was handcuffed behind his back, you
14 never attempted to transition him to a position out of
15 the prone position, did you?

16 A. Once we realized he was suffering, we did.
17 During the time he was cuffed like that, he was still
18 actively resisting, so no.

19 Q. So when you say "suffering" -- so let me just
20 make sure we're clear. Between the time period where
21 Jordn was first in prone position and until the period
22 that you noticed that he was unresponsive, during that
23 entire period between those two points, there was no
24 attempt to transition him out of a prone position, fair?

Officer Joseph Holsopple - Vol. 2 - March 17, 2017

62

1 MR. LUTE: Objection.

2 Go ahead.

3 A. Yes.

4 Q. Once Sergeant Moore arrived, Jordn was already
5 handcuffed behind his back, true?

6 A. I believe so, yes. I'm not positive. I don't
7 know exactly when she got there.

8 Q. As you sit here, is that your recollection?

9 A. Yes.

10 Q. When we were talking earlier, you told me that
11 when you were interacting with Jordn Miller, you did not
12 believe this to be an excited delirium case, true?

13 A. Yes.

14 Q. Meaning you did not believe Jordn had excited
15 delirium?

16 A. No.

17 Q. You agree?

18 A. Yes, I agree. But like I told you before, at
19 the beginning when the call went out, I thought it could
20 be, but then when the call notes changed and he put his
21 clothes back on and now he's running around the
22 neighborhood, I didn't think he was.

23 Q. We were looking at your statement, Exhibit 12.

24 A. Yes.

Officer Joseph Holsopple - Vol. 2 - March 17, 2017

86

1 When you rolled him over, who was it who
2 realized the debris in his mouth?

3 A. I saw that.

4 Q. And that was gravel?

5 A. Yeah. It looked like -- I don't know for
6 sure. It looked like he got a mouthful of gravel. But
7 there was a point where right when he went limp, his
8 face went straight down in the gravel like (indicating).
9 And then that's when he was limping, and we were like --
10 and Bubba started doing the rub and "Hey, are you all
11 right?"

12 And when we rolled him over, that's -- I did
13 see -- there wasn't a lot of gravel. It was just a
14 little bit of debris. There might have been a rock or
15 two in his mouth. It was more the dirt that I remember
16 seeing.

17 Q. It was the driveway?

18 A. Right.

19 Q. It was enough, though, that you commented on
20 it?

21 A. Yes.

22 Q. Where you were located -- I mean, you're kind
23 of on Jordn's one side, and Officer Scherer's on another
24 side, and Sergeant Moore is standing -- is she standing

Officer Joseph Holsopple - Vol. 2 - March 17, 2017

88

1 Q. Did you clear the debris from Jordn's mouth?

2 A. No.

3 Q. Officer Scherer remembers Jordn's eyes being
4 rolled back in his head at that time. Do you remember
5 that?

6 A. No.

7 Q. Do you remember anything about Jordn's face
8 other than the driveway in his mouth?

9 A. No.

10 Q. Did he make any noises at all after he became
11 unresponsive in prone restraint?

12 A. I don't recall.

13 Q. After you rolled him over, you never remember
14 him -- he didn't open his eyes or anything like that?

15 A. I don't remember.

16 Q. Did you stay by his head that entire time?

17 A. Yeah. Yes.

18 Q. Did you say anything to anyone at that point?

19 A. Not that I recall. I mean, I might have said,
20 "He's still breathing" or "I can see his chest" -- I
21 mean, we were all evaluating him, but I don't remember
22 what I said exactly.

23 Q. All I want to know is what you said.

24 A. I don't remember anything that I said

CERTIFICATE

STATE OF OHIO :
COUNTY OF FRANKLIN : SS:

I, Carol A. Kirk, a Registered Merit Reporter and Notary Public in and for the State of Ohio, duly commissioned and qualified, do hereby certify that the within-named JOSEPH HOLSOPPLE was by me first duly sworn to testify to the truth, the whole truth, and nothing but the truth in the cause aforesaid; that the deposition then given by him was by me reduced to stenotype in the presence of said witness; that the foregoing is a true and correct transcript of the deposition so given by him; that the deposition was taken at the time and place in the caption specified and was completed without adjournment; and that I am in no way related to or employed by any attorney or party hereto or financially interested in the action; and I am not, nor is the court reporting firm with which I am affiliated, under a contract as defined in Civil Rule 28(D).

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Columbus, Ohio on this 30th day of March 2017.



CAROL A. KIRK, RMR
NOTARY PUBLIC - STATE OF OHIO

My Commission Expires: April 8, 2017.

- - -